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3 **NOT FOR PUBLICATION**

4 ENTERED 5/8/2006
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7 MAY - 5 2006
8 CLERK, U.S. BANKRUPTCY COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 BY _____ DEPUTY

11 UNITED STATES BANKRUPTCY COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 In re

Bankruptcy No. 03-04511-JM7

14 ROBERT JOSEPH PIANTEDOSI,

15 Debtor.

FINDINGS IN SUPPORT OF ORDER
OVERRULING DEBTOR'S OBJECTION TO
PROPOSED DISTRIBUTION AND
VACATING HEARING

16
17 On February 15, 2006, the Trustee filed a Notice of Intent to
18 Distribute Estate ("Notice"). The Debtor filed an Objection to the
19 Notice, and a Notice of Hearing on the Objection which was scheduled
20 for June 9, 2006, at 11:00 a.m. The Trustee filed a Response to
21 Debtor's Objection on May 2, 2006. After reviewing the Notice, the
22 Debtor's Objection, the Trustee's Response, as well as the claims
23 register and docket in this case, the Court has determined that oral
24 argument would not be helpful.

25 The Debtor's Objection presents no basis to prevent the Trustee
26 from distributing the estate as set forth in the Notice. The Debtor
27 filed a voluntary Chapter 7 petition to initiate this case. He and
28 his family members entered a Settlement Agreement with the Trustee,

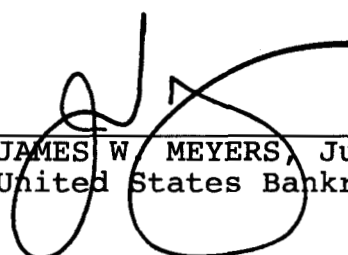
1 and the Trustee received the funds in accordance with the terms of the
2 Settlement Agreement.

3 There were only two claims filed in this case. The Debtor has
4 not raised any issue concerning the claim filed for JAMS. The
5 Debtor's Objection relies on his contention that creditor Link-Com was
6 a suspended corporation at various times. Attached to Link-Com's
7 proof of claim is a final judgment entered by the California Superior
8 Court for San Diego County ("State Court") on August 5, 2002. The
9 Debtor has alleged that Link-Com was a suspended corporation many
10 times before in this case and related adversary proceedings, but has
11 never presented any evidence to indicate that the final judgment
12 attached to Link-Com's proof of claim has been vacated by the State
13 Court. A final judgment entered in the State Court is entitled to
14 full faith and credit in the bankruptcy court pursuant to 28 U.S.C §
15 1738. Without setting aside the judgment in the State Court, the
16 claim filed by Link-Com is entitled to full faith and credit in this
17 Court, and is allowed as filed.

18 The Court finds that a hearing on the matter would not be
19 beneficial, the Debtor's Objection should be overruled and the
20 Trustee's proposed distribution should be authorized.

21 The Court will enter a separate Order overruling the Objection to
22 the Notice and vacating the hearing which is currently set for June 9,
23 2006, at 11:00 am.

24 Dated: MAY 5 2006

25 
26 JAMES W MEYERS, Judge
27 United States Bankruptcy Court
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